

CR No. 5001 of 2006

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 5001 of 2006

Date of Decision: 31.7.2007

J.N. Nagpal

....Petitioner

Versus

Central Bank of India and others

...Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Sandeep Chhabra, Advocate, for the petitioner.

HEMANT GUPTA, J.

The suit of the petitioner was decreed on 27.3.1996. In execution of the said decree, the plaintiff, inter-alia, claimed medical reimbursement expenses. The said expenses have been paid to the petitioner as well.

The sole grievance of the petitioner is that he has not been paid the interest on the amount of medical reimbursement. It is contended that the amount was payable in the year 1997 but the same has been paid in the year 2004 and, therefore, the petitioner is entitled to interest on the amount of medical reimbursement.

The issue regarding claim of interest on medical reimbursement was considered by the Hon'ble Supreme Court in **Om Prakash Gargi v. State of Punjab and others, (1996) 11 Supreme Court Cases 399**, wherein it has been held that interest is not payable on the amount of medical reimbursement. In view of the said judgment, the claim of the petitioner for interest is wholly unjustified.

Learned counsel for the petitioner then contended that the persons junior to the petitioner have been promoted and have been given higher pay scale whereas the petitioner has not been given such promotion. A perusal of the decree passed by the learned first Appellate Court does not show that there is any direction for consideration of the petitioner for promotion from the date his juniors were promoted. As a matter of fact, the claim of the petitioner apparent from the memo of revision is that the juniors were promoted on 28.6.1977 i.e. much before the filing of the Civil Suit. Since there was no decree to consider the claim of the petitioner for promotion from the date his juniors were promoted, the petitioner cannot raise such claim in execution.

In view thereof, I do not find any patent illegality or irregularity in the impugned order, which may warrant interference by this Court in exercise of its revisional jurisdiction. Hence, the present revision petition is dismissed.

31.7.2007
reema/ds

(HEMANT GUPTA)
JUDGE